

Docket No. CDS-219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert T. Belly, et al.

Serial No. : 10/019,514

Art Unit:

Filed(I.A.): May 4, 2000

Examiner:

For : RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE
WITHOUT USING CELL LYSING REAGENT

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

January 16, 2003

Catherine Kurtz Gowen


(Signature)

January 16, 2003

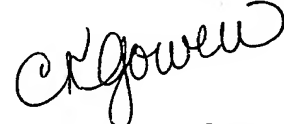
Commissioner for Patents
U.S. Patent and Trademark Office
Box Sequence
PO Box 2327
Arlington, VA 22202

RESPONSE

Pursuant to the Notification mailed April 10, 2002,
Applicant submits a diskette for the Sequence Listing in
computer readable form. This computer readable Sequence Listing
complies with 37 C.F.R. 1.821(e) in all respects. A copy of
the Formalities Letter is also attached.

If any fees are due in connection with the filing of this response, authorization is hereby given to charge the amount of such fee to Deposit Account No. 10-0750/CDS-219/CKG in the name of Johnson & Johnson.

Respectfully submitted,



Catherine Kurtz Gowen
Reg. No. 32,148
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732)524-2681
DATE: January 16, 2003



DOCKET NO. CDS-219
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

DT20 Rec'd PCT/PTO 21 JAN 2003

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to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on

January 16, 2003

(Date of Deposit)

Catherine Kurtz Gowen

(Name of applicant, assignee, or Registered Representative)

C. Gowen

(Signature)

January 16, 2003

(Date of Signature)

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), please find enclosed a Combined Declaration and Power of Attorney for the application of Robert T. Belly, et al., entitled RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE WITHOUT USING CELL LYSING REAGENT, attorney Docket No. CDS 219, to complete this application. As required, a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/CDS 219/CKG in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/CDS 219/CKG. This sheet is submitted in triplicate.

Respectfully submitted,

C. Gowen

Catherine Kurtz Gowen
Reg. No. 32,148
Attorney for Applicant(s)

01/27/2003 SNAJARRD 00000098 100750 10019514

01 FC:1617 130.00 CH
02 FC:1614 1008.00 CH

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2681
DATE: January 16, 2003

Re PCT/PTO

21 JAN 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/019,514

RECEIVED

APR 15 2002

J & J PAT. DKT. SECTION

60/132,443

INTERNATIONAL APPLICATION NO.

PCT/US00/11651

I.A. FILING DATE

05/04/2000

PRIORITY DATE

05/04/1999

Philip S. Johnson
 Johnson & Johnson
 One Johnson & Johnson Plaza
 New Brunswick, NJ 08933-7003

CONFIRMATION NO. 1153

371 FORMALITIES LETTER



OC00000007834320

Date Mailed: 04/10/2002

*OKG 12/02/02
 per Anderson - 2 mos made
 due 11/10/02,
 now aban.*

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- Additional claim fees of **\$1008** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1138** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1008**
 - **\$1008** for 12 independent claims over 3.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,514	PCT/US00/11651	60/132,443



DOCKET NO. CDS 219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert T. Belly, et al.

Serial No.: 10/019,514 Group No.:

I.A. No.: PCT/US00/11651

I.A. Filing: May 4, 2000 Examiner:

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to: Commissioner for Patents, Washington, D.C. 20231 on

January 16, 2003

Catherine Kurtz Gowen

Name of applicant, assignee, or Registered Representative

C. Gowen
(Signature)

January 16, 2003

Box DAC
Commissioner for Patents
Washington, D.C. 20231

Sir:

LETTER OF VERIFIED SHOWINGS

Pursuant to the requirements of the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), Applicants herein provide the herein verified showings from the relevant party as to the causes of the unavoidable delays.

The herein attached Notification of Missing Requirements under 35 USC 371 was mailed to Applicants correspondence address dated 04/10/2002 and stamped "RECEIVED April 15 2002 J&J PAT.DKT. SECTION", and the Attorney Docket number CDS-219 was written in the upper right hand corner of the document, and the document placed in the file. The due date of June 10, 2002, however, was never entered into the Johnson & Johnson computer docketing system, and the document never sent with the file, as would be standard procedure on receipt of a paper from the Patent Office, to the attorney assigned to the case, in this case, the undersigned. It was not until December 2, 2002, when the undersigned was answering an Office Action in the corresponding Canadian case, which required a copy of the Assignment filed in the U.S., that the Notification was brought to the attention of the undersigned by her Assistant for

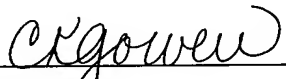
the first time. On that date, the undersigned contacted the named officer on the file, John Anderson, who confirmed that the application would have gone abandoned effective 11/02/2002.

The undersigned and her Assistant contacted the Johnson & Johnson file room and in particular the person responsible for docketing such actions, who confirmed that although the document was stamped received it was never entered into the docketing system. No parties involved had any specific recollection as to this docketing oversight and all involved sincerely intend to avoid such oversight in future.

It is respectfully submitted that the hereinabove provides sufficient showing as to the nature of the oversight and it is respectfully requested that the herein Petition to Revive be accepted.

The Assistant Commissioner is hereby authorized to charge any fees that are due in this matter to Deposit Account No. 10-0750/CDS-219/CKG.

Respectfully submitted,



Catherine Kurtz Gowen
Attorney for Applicants
Registration No. 32,148

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